

REMARKS

Claims 1, 21, 34, 42, 50, and 57 are amended, no claims are canceled, and claims 70-79 are added; as a result, claims 1-5, 16-25, 32-38, 42-46, 50-52, 55-59, 62-63, and 70-79 are now pending in this application.

No new matter has been added through new claims 70-79. Support for new claims 70-79 may be found throughout the specification, for example but not limited to the specification on page 11 at lines 20-24 and on page 12, line 18 through page 13, line 5.

§102 Rejection of the Claims

Claims 1-5, 16-25, 32-38, 42-46, 50-52, 55-59, and 62-63 were rejected under 35 U.S.C. § 102(e) for anticipation by Berger et al. (U.S. 6,414,693).

Berger et al. fails to anticipate claims 1-5, 16-25, 32-38, 42-46, 50-52, 55-59 and 62-63 because Berger et al. fails to teach each of the elements included in these claims.

Berger et al. fails to teach each of the elements included in claims 1-5, 16-25, 32-38, 42-46, 50-52, 55-59, and 62-63. For example, claim 1 as now amended recites,

presenting a first image via a Web interface presented on a browser, *the first image being generated from a product image file including warp information*; (Emphasis added).

In contrast, Berger et al. merely discloses at column 6, lines 52-61,

The screen display 700 shows and exemplary bag 702 in a bag display field. This field is formatted to enable a pictorial image of a selected bag to appear. In general, bag images are stored as a series of Joint Photographic Expert Group (JPEG) formatted computer graphic files (identified by ".jpg") in a bag file in the database. The images are initially created by the supplier from digital/digitized photos of actual article/bags that are manipulated to create appropriately scaled and shaded images for display on the web site screen.

However, there is no disclosure in Berger et al. of a first image being generated from a product image file including a warp information, as recited in claim 1.

In another example, claim 1 also recites,

automatically generating a composite image of the first image and the second image at the server, the automatic generation of the composite image using the warp information included in the product image file;
(Emphasis added).

In contrast, Berger et al. discloses presenting an image of a bag in the screen display 700 of Fig. 7, wherein at column 7, lines 9-10 Berger et al. states, "*To the right of the window appears a menu 704 of graphic images from the profile's image database.*" (Emphasis added). Thus, screen display 700 fails to teach a composite image, as recited in claim 1. As further disclosed in Berger et al., the flow diagram as depicted in Fig. 3 at 326 states, "client inputs bag request bag image retrieved," and at 328 states, "display bag and/or image files," and at 330 states, "client manipulates image(s) onto selected bag." This "manipulation" of the image(s) onto the bag is further described in Berger et al. at column 7, lines 33-44 as "a mouse-driven drag and drop." Thus, Berger et al. fails to teach "automatically generating a composite image of the first image and the second image at the server," as recited in claim 1.

Further, as argued above, Berger et al. fails to teach a first image being generated using warp information, and so Berger et al. cannot teach "the automatic generation of the composite image *using the warp information included in the product image file,*" as recited in claim 1.

In further examples of elements included in the claims and not taught by Berger et al. Applicants submit the following:

Claim 21 as now amended recites,

receiving a first image and a second image at a server from a browser responsive to a user-selection of the first image and the second image, the first image is associated with a product image file including warp information;

automatically generating a composite image of the first image and the second image at the server, the automatic generation of the composite image being performed using the warp information; and communicating the composite image from the server to the browser via a network.

Claim 34 as now amended recites,

- presenting a first image for user selection via a first Web interface presented on a browser, the first image being generated from a product image file including warp information;
- uploading a second image;
- communicating a selection of the first image and the second image to a server via a network;
- receiving a composite image of the first image and the second image from the server at the browser via the network, the composite image having been generated using the warp information included in the product image file; and
- displaying the composite image via a second Web interface presented on the browser.

Claim 42 as now amended recites,

- presenting a first image for user selection via a first Web interface presented on a browser, the first image associated with a header containing warping information;
- presenting a second image for user selection via a second Web interface presented on the browser;
- communicating a selection of the first image and the second image to a server via a network;
- receiving a composite image of the first image and the second image from the server at the browser via the network, the composite image having been generated at the server using the warping information included in the header associated with the first image; and
- displaying the composite image via a third Web interface presented on the browser.

Claim 50 as now amended recites,

- a first image database, the first image database to store at least one first image file, the first image file including a header containing a warp ratio;
- a second image database, said second image database to store at least one second image file;
- a server to receive a user selection of the first image file and the second image file and to generate a composite image of a first image and a second image wherein the second image is positioned relative to the first image, and wherein the composite image is generated using the warp ratio contained in the header of the first image file.

Claim 57 as now amended recites,

means for presenting a first image via a Web interface presented on a browser, the first image being generated from a product image file including warp information;

means for presenting a second image via a Web interface presented on the browser;

means for communicating a selection of the first image and the second image to a server via a network;

means for automatically generating a composite image of the first image and the second image at the server, the automatic generation of the composite image using the warp information included in the product image file; and

means for communicating the composite image from the server to the browser via the network.

For reasons analogous to those stated above with respect to claim 1, and additional elements as recited in claims 21, 34, 42, 50, and 57, Applicants submit that Berger et al. fails to teach each of the elements included in claims 21, 34, 42, 50, and 57.

Because Berger et al. fails to teach each of the elements included in claims 1, 21, 34, 42, 50, and 57, the claims are not anticipated by Berger et al., and so the 35 U.S.C. § 102 rejection of claims 1, 21, 34, 42, 50, and 57 cannot stand.

Claims 2-5, 16-20, 22-25, 32-33, 35-38, 43-46, 51-52, 55-56, 58-59, 62-63, and 70-79 depend from one of claims 1, 21, 34, 42, 50, and 57, and therefore include all of the elements recited in the claim from which they depend. Thus, Berger et al. fails to teach each of the elements recited in claims 2-5, 16-20, 22-25, 32-33, 35-38, 43-46, 51-52, 55-56, 58-59, 62-63, and 70-79. Because Berger et al. fails to teach each of the elements included in claims 2-5, 16-20, 22-25, 32-33, 35-38, 43-46, 51-52, 55-56, 58-59, 62-63, and 70-79, the claims are not anticipated by Berger et al., and so the 35 U.S.C. § 102 rejection of claims 2-5, 16-20, 22-25, 32-33, 35-38, 43-46, 51-52, 55-56, 58-59, 62-63, and 70-79 cannot stand.

For at least the reasons stated above, Applicants respectfully request withdrawal of the rejection, and reconsideration and allowance of all claims pending in the application.

Reservation of Rights

Applicants do not admit that references cited under 35 U.S.C. §§ 102(a), 102(e), 103/102(a), or 103/102(e) are prior art, and reserve the right to swear behind them at a later date. Arguments presented to distinguish such references should not be construed as admissions that the references are prior art.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 612 371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of March, 2006.

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